

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SCOTT LESLIE CARMELL, #777548                   §  
VS.   §                   CIVIL ACTION NO. 4:13cv681  
DIRECTOR, TDCJ-CID                               §

ORDER OF DISMISSAL

Petitioner Scott Leslie Carmell, a prisoner confined in the Texas prison system, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The case was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation concluding that the petition should be denied. Petitioner has filed objections.

Petitioner is challenging his Denton County convictions for eight counts of indecency with a child, five counts of sexual assault, and two counts of aggravated sexual assault. Petitioner brings ten grounds for relief. Magistrate Judge Nowak concluded that all of Petitioner's claims are procedurally barred other than his supplemental claims alleging ineffective assistance of appellate counsel. In the alternative, she discussed all of Petitioner's claims on the merits and found that he had not shown that he is entitled to federal habeas corpus relief. In his objections, Petitioner argues that none of his claims are procedurally barred. Assuming *arguendo* that he is correct, he is still not entitled to relief on the merits of his claims for reasons explained by Magistrate Judge Nowak.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Petitioner's objections are

without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All other motions not previously ruled on are hereby **DENIED**.

**SIGNED this 15th day of December, 2015.**

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE